

Application No. 09/755,798
Amdt. dated August 11, 2008
Reply to Office action of May 16, 2008

AMENDMENTS TO THE DRAWINGS:

The attached sheet(s) of drawings includes changes to FIGS. 2 and 3.

Attachment: One (1) Replacement Sheet

REMARKS

The Applicants have carefully reviewed the Office action mailed May 16, 2008 and thank Examiner Binda for his detailed review of the pending claims. In response to the Office action, Applicants have amended claims 1 and 8-14. No new matter has been added. Accordingly, claims 1-22 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Applicants respectfully request reconsideration of the present application in view of the above amendment, the new claims, and the following remarks.

Claim Amendments

Claims 9-14 have been amended to correct the dependency.

Drawings Amendment

The replacement drawings filed April 11, 2008 were objected to because the reference numeral 10 was included in FIGS. 2 and 3. The drawings have been amended to correct this informality. Withdrawal of the objection is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-22 were rejected under 35 U.S.C. §112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. More specifically, the Examiner states claims 1, 8 and 22 recites “a first end” and “a second end” but do not specify whether these ends are “a body portion”. Accordingly, claims 1 and 8 have been amended. Applicants note that claim 22 depends from claim 1. Withdrawal of the rejection is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 15-17, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Blee. Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 15 positively recite “said second circumference being smaller than said first circumference of said interconnecting shaft so as to provide an interference fit” between the body and the boot. The Examiner misrepresents the teachings of Blee by stating that the “inner wall 74a of the body portion is disclosed in col. 5, line 43, and col. 6, lines 25-27 as being compressed when engaged with the first circumference 68a of the shaft 14a, which indicates the circumference of the inner wall 74a prior to compression is smaller than the circumference 68a of the shaft 14a.” In contrast, Blee clearly teaches that the compression of the body 40 is axial compression. Specifically, column 5, lines 37-45 recites:

when the rack 14 moves relative to the housing 12, the end of the deformable and compressible body 40 connected with the rack 14 moves relative to the end of the deformable and compressible body of foam material connected with the housing. This results in the deformable and compressible body 40 of foam material being resiliently compressed and expanded during movement of the rack 14 relative to the housing 12 to decrease and increase the size of the chamber 42.

Blee, Column 5, lines 37-45.

Blee makes no mention of the fit of the body 40 on the shaft 14. Since the movement of the rack 14 relative to the housing 12 is only axial (Blee, Column 4, lines 30-32), then the compression that the Examiner refers to is axial compression of the body 40, not an interference fit of the body 40 on the shaft 14. Thus, Blee does not teach every recitation of independent claims 1 and 15, as required in *Verdegaal Bros.*

Dependent claims, 2, 3, 5, 16, 17, and 19 are also patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 4, 6, 7, 9-14, 18, 20, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blee. Claims 8 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blee in view of one of Goldowsky. Applicants respectfully traverse the rejection.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

Independent claims 1, 8 and 15 positively recite "said second circumference being smaller than said first circumference of said interconnecting shaft so as to provide an interference fit" between the body and the boot. The remarks presented above with respect to the §102 rejection are equally applicable here. Specifically, the inadequacy of Blee to teach every element of independent claims 1, 8 and 15 by not teaching an interference fit is also fatal to the Examiner's §103 rejection. Additionally, Goldowsky does not teach an interference fit, and therefore, cannot make up for the inadequacy described above. Therefore, Blee as a sole 103 reference, and the combination of Blee and Goldowsky do not teach every recitation of independent claims 1, 8, and 15 as required in *In re Royka*. Furthermore, dependent claims, 4, 6, 7-14, 18, and 20-22, each being dependent upon one of independent claims 1, 8 and 15, are patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

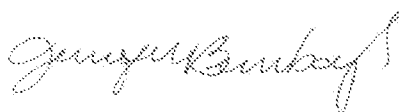
CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. G00284/US from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: August 11 2008

Respectfully submitted,



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